

CARL J. KUNASEK
CHAIRMAN
JIM IRVIN
COMMISSIONER
WILLIAM A. MUNDELL
COMMISSIONER



ARIZONA CORPORATION COMMISSION

DATE: DECEMBER 3, 1999

DOCKET NO: T-02912A-97-0590

TO ALL PARTIES:

Enclosed please find the recommendation of Hearing Officer Karen Nally. The recommendation has been filed in the form of an Order on:

GEORGE AND JULIE LEWITZ dba SUN COMMUNICATIONS
(CANCEL CC&N)

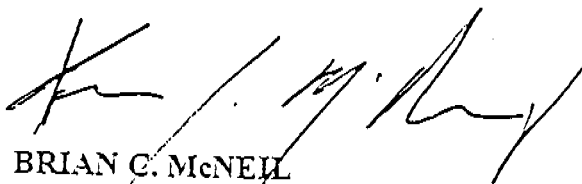
Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Hearing Officer by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by 10:00 a.m. on or before:

DECEMBER 13, 1999

The enclosed is NOT an order of the Commission, but a recommendation of the Hearing Officer to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

JANUARY 5, 2000 and JANUARY 6, 2000

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250.


BRIAN C. McNEIL
EXECUTIVE SECRETARY

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 CARL J. KUNASEK
CHAIRMAN

3 JIM IRVIN
COMMISSIONER

4 WILLIAM A. MUNDELL
COMMISSIONER

5
6 IN THE MATTER OF THE APPLICATION OF
7 GEORGE AND JULIE LEWITZ dba SUN
8 COMMUNICATIONS FOR THE
9 CANCELLATION OF THE CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE
CUSTOMER-OWNED PAY TELEPHONE
SERVICE IN THE STATE OF ARIZONA.

DOCKET NO. T-02912A-97-0590

DECISION NO. _____

ORDER

10 Open Meeting
January 5 and 6, 2000
Phoenix, Arizona

11 **BY THE COMMISSION:**

12 Having considered the entire record herein and being fully advised in the premises, the
13 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

14 **FINDINGS OF FACT**

15 1. George and Julie Lewitz dba Sun Communications ("Applicant") has a Certificate of
16 Convenience and Necessity ("Certificate") to provide customer-owned pay telephone ("COPT")
17 service in the State of Arizona pursuant to Decision No. 59193 (August 8, 1995).

18 2. On October 29, 1997, Applicant filed an application for approval of the cancellation of
19 the Certificate.

20 3. In Decision No. 55817 (December 10, 1987), the Commission found that COPT
21 providers were public service corporations subject to the jurisdiction of the Commission.

22 4. Decision No. 57797 (April 8, 1992) adopted A.A.C. R14-2-901 through R14-2-909 to
23 regulate COPT providers.

24 5. Decision No. 58535 (February 14, 1994) adopted a Generic Tariff that establishes
25 rates and minimum service standards applicable to COPT service.

26 6. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding COPT
27 Certificates without a hearing.
28

1 7. On November 26, 1999, the Commission's Utilities Division Staff ("Staff") filed a
2 Staff Report, recommending approval of the application to cancel Applicant's Certificate without a
3 hearing.

4 **CONCLUSIONS OF LAW**

5 1. Applicant is a public service corporation within the meaning of Article XV of the
6 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

7 2. The Commission has jurisdiction over Applicant and the subject matter of the
8 application.

9 3. The cancellation of Applicant's Certificate is in the public interest.

10 4. Staff's recommendation in Findings of Fact No. 7 is reasonable and should be
11 adopted.

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28 **ORDER**

1 IT IS THEREFORE ORDERED that the application of George and Julie Lewitz dba Sun
2 Communications for the cancellation of the Certificate to provide customer-owned pay telephone
3 service shall be, and is hereby, approved.

4 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

5 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.
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8 CHAIRMAN

COMMISSIONER

COMMISSIONER

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11 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive
12 Secretary of the Arizona Corporation Commission, have
13 hereunto set my hand and caused the official seal of the
14 Commission to be affixed at the Capitol, in the City of Phoenix,
15 this ____ day of _____, 2000.

16
17 BRIAN C. McNEIL
18 EXECUTIVE SECRETARY

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DISSENT _____
KEN:dap

1 SERVICE LIST FOR:

GEORGE AND JULIE LEWITZ dba SUN
COMMUNICATIONS

3 DOCKET NO.

T-02912A-97-0590

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